

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FERRING B.V., FERRING
INTERNATIONAL CENTER S.A., and
FERRING PHARMACEUTICALS INC.,

Plaintiffs and
Counter-Defendants,

-against-

No. 17 Civ. 9922 (CM)(SA)

SERENITY PHARMACEUTICALS, LLC,
REPRISE BIOPHARMACEUTICS, LLC,
AVADEL SPECIALTY PHARMACEUTICALS, LLC,

Defendants and
Counterclaimants.

x

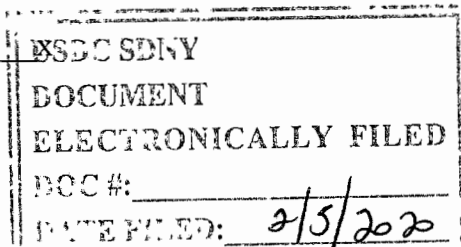
NOTICE TO COUNSEL

McMahon, C.J.:

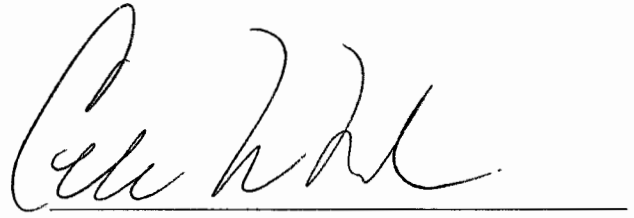
Counsel, I have letters asking to seal various filings (apparently in their entirety) because they contain material that you have designated as "confidential" pursuant to your protective orders. (See, Docket ## 574, 592, 594)

The time for protective order presumptions has passed. If you want me to seal a document, you need to provide me with a copy of the document, suitably marked so I can distinguish between what is proposed to be redacted and what can remain public (not everything could possibly be confidential). And you need to provide me with a reason why each thing you propose to redact is in fact confidential. As you will recall, when you entered into the protective order, it contained an addendum saying that my presumption is that material can be made public; so you need to convince me otherwise.

In short, I can either deny your letter motions or I can await your presentation of enough information so that, on a redaction by redaction basis, I can make a ruling.



Dated: February 5, 2020

A handwritten signature in black ink, appearing to be "C. H. H.", written over a horizontal line.

Chief Judge

BY ECF TO ALL COUNSEL